

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

LARRY RUSH,

Petitioner,

-V-

JEFFREY BEARD, et al.,

Respondents.

Civil Action No.
08-cv-4843

CAPITAL CASE

STATUS REPORT

Petitioner Larry Rush, through counsel, respectfully submits this *Status Report* as per the agreement in this case. The parties wish to report that the King's Bench litigation has concluded. The Pennsylvania Supreme Court declined jurisdiction to resolve the as applied challenges and evidence that were presented. The Court expects that the material and claims will appear within post-conviction litigation for individuals.

At this juncture, therefore, counsel for Petitioner will complete and present her Memorandum to the Office of the District Attorney so that the claim and merits of the mitigation may be reviewed. Thus, the office can decide whether it wishes to continue the litigation into the evidentiary hearing on the IAC penalty phase claim or not.

As this Court is aware, Petitioner has a single claim pending before this Court which is exclusively a claim related to the effectiveness of counsel during the penalty phase in this case.

Counsel for Respondents, Assistant District Attorney Max Kaufman, has authorized Petitioner to inform the Court that the Respondents concur with this report of the status and the parties will report back in another 90 days as to status of resolution.

Respectfully submitted,

/s/ Cristi Charpentier

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Counsel for Petitioner, Larry Rush

Dated: November 13, 2019

CERTIFICATE OF SERVICE

I, Cristi Charpentier, certify that on this 13th day of November, 2019, I caused the foregoing *Status Report* to be served on the following persons via the Court's electronic delivery system:

Max Kaufman
Office of Philadelphia District Attorney
3 South Penn Square
Philadelphia, PA 19107

/s/ Cristi Charpentier
Cristi Charpentier